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GOVERNMENT OF KERALA

Local Administration and Social Welfare (C) Department

NOTIFICATION

No. 17550/C3/73/LASWD. *Dated, Trivandrum, 19th May 1976.*

The following draft of the Kerala Panchayats (Establishment) Rules, 1976 which the Government of Kerala propose to make in exercise of the powers conferred by section 39 and sub-section (1) of section 129 of the Kerala Panchayats Act, 1960 (32 of 1960) read with section 4 of the Kerala Public Service Commission (Additional Functions as Respects Services Under Local Authorities) Act, 1973 (23 of 1973) and in supersession of the Kerala Panchayats (Establishment) Rules, 1967 published as S. R. O. No. 302/67 in the Kerala Gazette dated 10th October 1967 is hereby published for general information as required by sub-section (2) of section 130 of the Kerala Panchayats Act, 1960.

Notice is hereby given that the said draft will be taken up for consideration on or after 26-6-1976 and that any objection or suggestion which may be received from any person in respect of the said draft before the date specified above will be considered by the Government. Objections and suggestions shall be addressed to the Special Secretary, Local Administration and Social Welfare (C) Department, Secretariat, Trivandrum.

33/2348/MC.

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Panchayats (Establishment) Rules, 1976.

(2) These rules shall come into force at once.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(i) 'Act' means the Kerala Panchayats Act, 1960 (32 of 1960).

(ii) 'Commission' means the Kerala Public Service Commission.

(iii) 'Deputy Director' means the Deputy Director appointed under clause (8) of Section 2 of the Act.

(iv) 'Director' means the Director appointed under clause (7) of Section 2 of the Act.

(v) 'District Panchayat Officer' means the Officer of the Panchayat Department appointed by the Government for being in charge of the administration of a District unit of the Department.

(vi) 'Employment Exchange' means an Employment Exchange as defined under the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 (Central Act 31 of 1959).

(vii) 'Joint Director' means the Joint Director of Panchayats in the Directorate of Panchayats appointed by the Government.

(viii) 'Panchayat Employee' means an Officer or servant of a Panchayat other than its Executive Officer but does not include any employee paid from contingencies.

3. *Applicability.*—These rules shall apply to all full time employees in the service of Panchayats in the State, other than Executive Officers, whether permanent, temporary or officiating, but shall not apply to those who are paid out of contingencies.

4. *Grouping of Panchayats for the purpose of fixing the strength of staff.*—The Panchayats shall be classified into four grades on the basis of their annual income from ordinary sources other than grants and debt heads, namely, Special Grade, I Grade, II Grade and III Grade and the grouping shall be done by the Director ordinarily once in every 3 years. The basis on which such grouping shall be made, shall be decided by the Director from time to time with the approval of the Government.

5. *Fixing Staff Strength of Panchayats.*—The Director shall fix the number, designations and grades of Officers and servants of the Panchayats of different grades, subject to the maximum, if any, specified by the Government by general or special order:

Provided that the Director shall before fixing the number, desgination and grades of Officers and servants consult—

(a) The Chief Engineer (Buildings and Roads) of the Public Works Department or the Chief Engineer of the Public Health Engineering Department, as the case may be, in respect of the posts coming under Group III in Annexure I to these rules, and

(b) The Director of Health Services in respect of the posts coming under Group IV in Annexure I to these rules.

6. *Creation of new posts to take effect from date of sanction.*—Every sanction for the creation of new posts shall take effect from the date of sanction unless otherwise specified in the sanction.

7. *Appointing Authorities and procedure to be followed in making appointments.*—(1) The District Panchayat Officer of the respective District shall be the appointing authority in respect of all posts coming under Groups I to V in Annexure I to these rules, in the regular establishment of the Panchayats of the District;

(2) The appointing authority shall observe the provisions of the Kerala Public Service Commission (Additional Functions as Respects Services Under Local Authorities) Act, 1973 (23 of 1973) and the rules made thereunder.

(3) The staff appointed by the District Panchayat Officer in the Panchayat establishments under this rule shall be constituted into a common service for the Panchayats in the District.

8. *Emergency appointments.*—(1) Any appointment made under the proviso to sub-section (1) of Section 39 of the Act shall be only for a period not exceeding three months on each occasion from among the candidates advised by the Employment Exchange and the incumbents so appointed shall not have any preferential claim for any future vacancy in any post under the Panchayat by virtue of such appointments.

(2) Any appointment under sub-rule (1) shall be made only for attending to urgent works or functions to prevent or to meet with the situation caused due to outbreak of epidemics or such other natural calamities.

(3) Every appointment made under this rule shall be reported to the Panchayat at its next meeting.

(4) To pay and allowances of any Officer or servant appointed under this rule shall not be in excess of the rates applicable to an Officer or servant of the same or similar rank and status appointed rgularly.

(5) No appointment under this rule shall be made where such appointment has been prohibited by a resolution of the Panchayat or by an order of the District Panchayat Officer or the Deputy Director or the Director or the Government.

9. *Teachers in Educational Establishments of the Panchayats.*—(1) The posts in the Educational Establishments of Panchayats shall have the same designation, qualification, pay and allowances as fixed for the aided educational establishments of similar category.

(2) Appointment to the posts in the educational service shall be made subject to the provisions in the rules governing aided school teachers in the Kerala Education Act, 1959 and Rules issued thereunder.

10. *Appointments of Government Servants under Panchayats.*—Notwithstanding anything contained in these rules, the appointing authority may appoint any Officer in the Service of the Government on deputation to any posts under Groups II, III and IV in Annexure I to these rules, subject to the rules governing such deputation under the Kerala Service Rules.

11. *Appointment of dismissed or debarred persons.*—No person who has been dismissed from the service of the Central or State Government or of any local authority or any Co-operative or Banking institution or a Statutory Corporation or a Board or who has been debarred from employment in the service of the Central or State Government or any local authority shall be entertained on the Panchayat Establishment.

12. *Age and qualification.*—(1) No person shall be eligible for appointment by direct recruitment to any post under a Panchayat,—

(i) If he is a not citizen of India;

(ii) if he has not completed 18 years of age or is above 30 years of age on the first day of July of the year in which applications for appointment are invited:

Provided that the upper age limit prescribed in this rule shall be raised by 5 years in the case of a candidate belonging to any of the Scheduled Castes or Scheduled Tribes and by 3 years in the case of a candidate belonging to any of the Other Backward Classes.

(2) No person shall be eligible for appointment to any post under a Panchayat, by direct recruitment or by promotion or by transfer if he does not possess the qualifications prescribed for such post in Annexure I to these Rules.

(3) Notwithstanding anything contained in sub-rules (1) and (2) the Government may for sufficient reasons, on the recommendation of the appointing authority relax the age and qualifications prescribed under sub-rules (1) and (2) in respect of any candidate.

13. *Furnishing of Certificate of health by an employee on first appointment.*—(1) Every person appointed by direct recruitment to any post in a Panchayat shall produce before the Executive authority a certificate of health obtained from a medical officer not below the rank of an Assistant Surgeon or any

Registered Medical Practitioner and a certificate of conduct and nativity obtained from the President or member of a Panchayat or the Chairman or member of a Municipal or Corporation Council or a Gazetted Officer of the State Government.

(2) The certificates under sub-rule (1) shall be attached to the bill in which the first pay of the Panchayat employee concerned is claimed.

14. *Probation and confirmation.*—(1) Every person appointed to any of the posts in the establishment of a Panchayat shall from the date on which he joins duty be on probation—

(i) if recruited direct, for a total period of 2 years on duty within a continuous period of 3 years; and

(ii) if appointed by promotion, for a total period of one year on duty within a continuous period of 2 years.

(2) At the end of the prescribed period of probation, the appointing authority shall consider the probationer's suitability for the post. If it decides that the probationer is suitable for the post, and if the probationer has passed the special tests, if any, fixed for the post, the appointing authority shall issue an order declaring the probationer to have satisfactorily completed his probation.

(3) If the probationer has failed to pass the special tests, if any, fixed for the post, the appointing authority may extend his probation to enable him to acquire the special tests, to enable the appointing authority to decide whether the probationer is suitable for the post or not. In cases where the probation of a probationer is extended, a condition shall unless there are special reasons to the contrary, be attached to the order of extension of probation that the probationer's increment shall be stopped until he is declared to have satisfactorily completed his probation. Such stoppage of increment shall not be treated as a penalty but only as a condition of extension of probation and shall not have the effect of postponing future increments after he has passed the special tests or after he is declared to have satisfactorily completed his probation.

(4) If at the end of the prescribed or extended period of probation, the appointing authority decides that the probationer is not suitable for such post, it shall by order discharge him from the service or revert him to the post from which he was promoted, as the case may be after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided that where a probationer has been given a reasonable opportunity of showing cause against the imposition on him any of the penalties specified in items (c), (d), (g) and (h) of rule 28 and at the conclusion of the disciplinary proceedings a tentative conclusion is arrived at to discharge him from the service, a further opportunity of showing cause specifically against such discharge need not be given to him.

Explanation I.—The decision of the appointing authority that the probationer is not suitable for the post may be based also on his work and conduct till the date of the decision inclusive of the period subsequent to the prescribed or extended period of probation.

Explanation II.—An opportunity to show cause may be given after the appointing authority arrives at a provisional conclusion on the suitability or otherwise of the probationer for the post, either by such authority itself or by a subordinate authority which is superior in rank to the probationer.

(5) An approved probationer shall be permanently appointed at the earliest opportunity, in any vacancy which may exist or subsequently arise in the cadre and if such vacancy existed from a date previous to the issue of the order, he may be so appointed with retrospective effect from the date, or as the case may be, from any subsequent date from which he was continously on duty in the post.

15. *Security Posts.*—(1) The Director shall declare the posts in the Panchayat Establishments the incumbents of which shall furnish security and specify the amount of security to be so furnished in respect of each post.

(2) The security may be in cash, in treasury or Post Office Savings Bank Deposits or deposits in the Kerala State Co-operative Bank Ltd., Trivandrum or the District Co-operative Banks or in Government promissory notes or Fidelity Bonds of Insurance Companies approved by the Government or any other kind of security approved by the Director and the security bond shall be executed in the form in Annexure II to these rules.

16. *Promotion.*—(1) No Panchayat employee shall be eligible for promotion from the category in which he was appointed unless he has satisfactorily completed the probation in that category.

(2) Promotions to a post in the Panchayat establishment declared as selection category shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal.

(3) All other promotions shall, subject to the provisions of these rules, be made in accordance with seniority, unless the promotion of a person has been withheld as a penalty, or unless the person concerned does not possess the required qualifications for holding such post.

17. *Application of the provisions of Kerala Service Rules to Panchayat Employees.*—(1) The provisions of the Kerala Service Rules shall, *mutatis mutandis* apply to the Panchayat employees.

(2) The powers assigned to the Head of the Department under the Kerala Service Rules shall be exercised in the case of the Panchayat employees by the Director.

18. *Authority to sanction leave.*—(1) Save as otherwise provided in sub-rule (2) the Executive Authority shall be the authority competent to sanction all kinds of leave to the members of the Panchayat Establishment coming under Groups I, II and V in Annexure I to these rules, except study leave and special disability leave, provided that the approval of the District Panchayat Officer shall be obtained in all cases where substitutes are necessary. The Director shall be the authority competent to grant study leave and special disability leave to any Panchayat employee.

(2) All kinds of leave other than casual leave, study leave and special disability leave to the Panchayat employees coming under Groups III and IV in Annexure I to these Rules shall be sanctioned by the District Panchayat Officer concerned on the recommendation of the executive authority and shall be communicated to the District Medical Officer or the Assistant Engineer/Executive Engineer concerned of the Public Works Department as the case may be. Casual leave to the above staff may be sanctioned by the District Panchayat Officer or any officer authorised by him in his behalf.

19. *Maintenance of Confidential Report of Employees.*—(1) The Executive authority shall initiate the confidential reports of every Panchayat employee coming under categories 1 to 4 in Group I in the Annexure to these Rules. The executive authority shall submit the confidential reports to the President of the Panchayat before the 15th of January every year and the President shall record his remarks in the reports and return it to the executive authority before the end of January. The executive authority shall be the custodian of these reports.

(2) The confidential reports of the Panchayat employees coming under Groups III and IV and category I in Group II in the Annexure I to these Rules except those of the heads of institutions shall be initiated by the heads of institutions concerned and they shall be submitted to the President before the fifteenth of January every year. The President shall record his remarks and return the reports before the end of January every year to the heads of such institutions concerned. The heads of the institutions shall be the custodians of these reports.

(3) The confidential reports of the heads of Institutions shall be initiated by the President and forwarded to the District Panchayat Officer before the end of January every year. The District Panchayat Officer shall be the custodian officer of these reports.

20. *Gradation List.*—The District Panchayat Officer shall prepare a combined gradation list of persons holding each category of posts in the Panchayats of the District.

21. *Preparation of Gradation List.*—For the preparation of the combined gradation list the date of commencement of continuous service shall be the criterion for determining the seniority. If the date of appointment is the same in the case of employees of the different Panchayats, the older in age shall be

treated as senior in service. In the case of candidates advised by Commission the date of earliest effective advice by the Commission shall be the criterion for determining the seniority.

22. *Objection regarding gradation list.*—(1) The combined gradation list prepared shall be circulated to all the Panchayats in the District and the Panchayats may in turn circulate it among the employees. Objections if any filed by the employees within 30 days from the date of circulation shall be forwarded to the District Panchayat Officer by the Panchayats. The District Panchayat Officer shall consider all such objections before the list is finally approved by him and published.

(ii) Appeal against the decision of the District Panchayat Officer shall lie with the Director, who may take final decision in consultation with the Government and the Commission if necessary.

23. *Transfer of Panchayat Employees from one Panchayat to another.*—(1) The Director, Joint Director or District Panchayat Officer shall transfer an employee holding any post included in the common service from one Panchayat to another in the District in the exigencies of service.

(2) In the exigencies of service and on requests from employees the Director, the Joint Director or the Deputy Director of Panchayats shall transfer such employees from one District to another within a region and the Director of Panchayats alone shall effect transfers if it is from one region to another provided that if the transfer is on the request of the employee, such employee shall be treated as the jouniormost in the category in the District to which he is transferred.

Note:—"Region" used in this rule means the area over which the Deputy Director has jurisdiction.

24. *Leave and Allowances.*—The leave allowance admissible to an employee under the rules shall be paid by the Panchayat in which he/she served last before he/she entered on leave.

25. *Travelling Allowances.*—The transit pay and T. A. at the rates admissible under the rules in force will be paid to an employee transferred from one Panchayat to another, by the Panchayat in which the employee joins duty.

26. *Discharge and reversions.*—(1) When any post or posts in a Panchayat or Panchayats is or are abolished, persons shall be discharged or reverted in the order of juniority in the District provided that such persons shall be preferred for reappointment in the order of their seniority as and when vacancies arise.

(2) No Panchayat employee who is convicted of an offence involving moral turpitude shall be retained in service and no person so convicted shall be appointed to any post in service.

27. *Pre-Audit of arrear claims.*—Any claim of an employee of a Panchayat for arrears of pay, allowance or increments of pay which has been allowed to remain in abeyance for a period of more than one year shall, before payment be investigated by the Examiner of Local Fund Accounts or any officer authorised by him in this behalf with the sanction of the District Panchayat Officer.

28. *Control and Discipline.*—(1) The administrative* control on the Panchayat employees coming under Groups I and V in Annexure I to these rules shall vest in the executive authority. The administrative control on the Panchayat employees coming under Groups I, III and IV in the Annexure I to these Rules shall vest in the heads of the concerned institutions functioning in the Panchayat area and that of the heads of institutions shall be under the administrative control of the District Panchayat Officer. The disciplinary authority in respect of a Panchayat employee shall be the appointing authority or any other higher authority.

Explanation.—The term 'higher authority' in this rule means an officer of the Department of Panchayats authorised to inspect, supervise and control the actions of the appointing authority.

(2) The following penalties may, for sufficient reasons and as hereinafter provided, be inflicted on a Panchayat employee, namely:—

(a) Censure;

(b) With-holding of increments or promotions;

(c) Recovery from pay, of the whole or part of any pecuniary loss caused to the State Government or the Central Government or to the Panchayat or any other local authority on account of indiscipline, negligence or breach of rules and provisions of law;

(d) Reduction to a lower rank in the seniority list or to a lower post or time scale or to a lower stage in a time scale;

(e) Reduction of pension;

(f) Compulsory retirement;

(g) Removal from service;

(h) Dismissal from service.

Explanation.—The discharge or reversion of any employee—

(a) appointed on probation before the expiry or at the end of the period of probation, or

(b) engaged under contract in accordance with the term of his contract, or

(c) appointed otherwise than under contract to hold a temporary appointment, on the expiry of the period of the appointment, or

(d) under sub-rule (1) of rule 25 of these rules shall not amount to removal or dismissal within the meaning of this rule.

(3) (i) The appointing authority or any higher authority may place any Panchayat employee under suspension where—

(a) an enquiry into his conduct is contemplated or is pending, or

(b) a complaint against him of any offence is under investigation or trial.

(ii) A Panchayat employee who is detained in custody whether on a criminal charge or otherwise for a period longer than forty eight hours shall be deemed to have been suspended by the Director under this rule with effect from the date of detention.

(iii) An order of suspension under clause (i) may be revoked at any time by the authority making the order or any other higher authority.

(iv) During the period of suspension, the Panchayat employee suspended shall be paid a subsistence allowance at the rates specified in Kerala Service Rules.

29. *Procedure for the imposition of penalties.*—(i) No order contemplated in clauses (a) to (c) of sub-rule (2) of rule 27 shall be passed on a Panchayat employee (other than an order based on facts which have led to his conviction by a criminal court) unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded a reasonable opportunity for defending himself.

(ii) No order imposing any of the penalties specified in clauses (d) to (h) of sub-rule (2) of rule 27 shall be passed on a Panchayat employee except after the grounds on which it is proposed to take action are indicated in the form of a definite charge or charges which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case and requiring him to put in a written statement of his defence within a reasonable time to be specified in that behalf and also to state whether he desires to be heard in person. After the written statement is received within the time allowed the disciplinary authority may if he is satisfied that a formal enquiry should be held into the conduct of the Panchayat employee, forward the record of the case to the inquiring authority and order that a detailed enquiry may be conducted:

Provided that sub-rules (i) and (ii) shall not apply where the person concerned has absconded or where it is for other reasons impracticable to communicate with him:

Provided further that where there is a difficulty in observing exactly the requirements of this rule, all or any of the provisions thereof may, in exceptional cases for special and sufficient reasons to be recorded in writing be waived with the previous sanction of the appropriate appellate authority.

(iii) The enquiring authority shall be the disciplinary authority or any other officer duly authorised by him, not below the rank of the executive authority.

(iv) The inquiring authority shall in the course of inquiry consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The Panchayat employee shall also be entitled to cross examine witnesses examined in support of the charges and to give evidence in person and to have such witnesses as may be produced, examined in his defence. If the inquiring authority declines to examine any witness on the ground that his evidence is not relevant or material it shall record its reasons in writing. At the conclusion of the inquiry, the inquiring authority shall prepare a report of the inquiry recording his findings on each of the charges together with reasons therefor and forward it to the authority competent to impose the penalty.

(v) The authority competent to impose the penalty shall arrive at a provisional conclusion in this regard to the penalty to be imposed. An opportunity to make any representation against the imposition of any of the penalties specified in sub-rule (2) of rule 27 shall be given to the person concerned, giving him a copy of the inquiry report, if any.

(vi) The inquiring authority may, during the course of the inquiry, if it deems necessary amend, alter or modify the charges framed against the accused employee, in which case, the accused shall be required to submit within a reasonable time to be specified in that behalf any further written statement of his defence.

30. *Right to peruse records etc.*—A Panchayat employee shall, if he so desires be allowed to peruse all or any of the records pertaining to the disciplinary case against him or take extracts in the presence of the inquiring authority or any officer authorised by him, for the purpose of preparing his written statement. However, if in any case, it is considered that a certain record required by him cannot be furnished or disclosed to him in public interest or for any other substantial reasons, he shall be informed accordingly and the fact of such refusal together with the reasons therefor shall be recorded in writing.

Note:—The non-compliance with the request in such cases will not vitiate the orders of the authority imposing the penalty on that score if the orders are passed after duly taking into account the principles of natural justice.

31. *Records to be maintained by authorities imposing Penalties.*—(i) The authority imposing any penalty under these rules shall maintain a record showing—

(a) the allegations upon which action was taken against the person punished;

(b) the charges framed;

(c) the person's representations, if any; and the evidence taken, if any; and

(d) the findings and the grounds thereof.

Every order imposing a penalty shall also state the grounds on which it is based and shall be communicated in writing to the person against whom it is passed.

32. *Restriction in cancelling or modifying an order once passed by the disciplinary authority.*—The disciplinary authority shall not cancel or modify any order imposing a penalty passed by him or by any of his predecessors in office without the previous sanction of the higher authority.

33. *Appeals.*—(1) Save as otherwise provided in sub section (1) of section 144 of the Act, no appeal shall lie against an order imposing the penalty of censure.

(2) Every employee shall be entitled to appeal against an order imposing any of the penalties specified in sub-rule (2) of rule 27 except the one specified in sub-rule (1) of this rule.

(3) An appeal against an order of the disciplinary authority shall lie,

(a) if such authority is the District Panchayat Officer, to the Deputy Director; and

(b) in other cases to the Director.

(4) Every Panchayat employee preferring an appeal shall do so separately and in his own name.

(5) An appeal under this rule shall be preferred within thirty days from the date on which the appellant received the order appealed against.

(6) Every appeal preferred under this rule shall contain all material statement and arguments relied on by the appellant and shall be complete in itself. It shall be submitted through the authority which made the order appealed against and such appeal shall be forwarded to the appellate authority without any avoidable delay, with its comments thereon and the relevant records. The appellant may submit also a copy of the appeal direct to the appellate authority.

(7) The appellate authority may pass such orders on the appeal as he deems fit. Pending decision on the points under appeal, the appellate authority may also direct the authority which made the order appealed against, to keep the proceedings, in abeyance.

(8) Except as provided for in section 144 of the Act, every order passed by the appellate authority under sub rule (3) shall be final.

(9) Notwithstanding anything contained in sub rule (3) or sub-rule (4), the Deputy Director or the Director or the Government, may either *suo motu* or on application from the aggrieved party, call for the records relating to the imposition of any penalty on any Panchayat employee and pass such orders as he or they may deem fit:

Provided that an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such penalty.

(10) Every order passed on appeal under sub-rule (7) and every order passed under sub-rule (9) shall be given effect to by the executive authority immediately.

34. *Points to be considered by appellate and revisional Authorities.*—(1) In the case of an appeal or revision, the appellate or revisional authority as the case may be, shall consider:

(a) whether the facts on which the order was based have been established;

(b) whether the facts established afford sufficient grounds for taking action;

(c) whether the procedure prescribed in these rules has been complied with and if not whether such non-compliance has resulted in violation of any provision or failure of justice;

(d) whether the penalty is excessive, adequate or inadequate and after such consideration shall pass such orders as it thinks proper setting aside or confirming the order appealed against or remitting, reducing or enhancing the penalty:

Provided that no penalty shall be enhanced unless an opportunity is given to the person concerned to show cause why the penalty should not be enhanced.

(2) No order made by a competent authority shall be reversed or altered on appeal or on revision on account of any error, omission or irregularity in the procedure unless it appears to the appellate authority or revisional authority, as the case may be, that such error, omission or irregularity has, in fact, occasioned a failure of justice.

35. *Appeals against orders passed before the coming into force of these rules.*—Nothing in these rules shall operate to deprive any person of any right of appeal which he would have had if these rules had not been made, in respect of any order passed before these rules came into force. An appeal pending at the time when these rules came into force shall be deemed to be an appeal under these rules and rule 33 shall apply as if the appeal was against an order appealable under these rules.

36. *Revision.*—Notwithstanding anything contained in these rules, in cases where there is a grave miscarriage of justice or an error apparent on the facts of the record, it shall be open to the Director to call for, *suo motu* or on application, the record of cases in which disciplinary action has been taken by an authority subordinate to him and to pass such orders as he deems necessary. The Director shall state the circumstances and reasons under which the revised order is passed:

Provided that no application for revision under this rule shall be entertained after the expiry of a period of one month from the date of communicating the order sought to be revised, to the aggrieved party.

37. *Power to District Panchayat Officer to initiate disciplinary action.*—Notwithstanding anything contained in these rules, the District Panchayat Officer shall have the power in his jurisdiction subject to the revisional powers vested in the Deputy Director and subject to rules, to initiate such disciplinary action against any Panchayat employee.

38. *Conditions of service and disciplinary control of Teachers and Headmasters of Panchayat Schools.*—Notwithstanding anything contained in these rules, the rules regarding the conditions of service including leave, disciplinary control and the conduct of the teachers and headmasters and the provisions relating to appeal and revision thereto contained in the Kerala Education Rules, 1959 shall, so far as may be, apply to the teachers and headmasters of Panchayat Schools.

39. *Referring disciplinary cases against Panchayat employees to the Tribunal.*—Notwithstanding anything contained in these rules but subject to the provision of rule 32 the Government may, if deemed necessary on the recommendation of the Director, refer any case for disciplinary action against any employee of a Panchayat, to the tribunal for disciplinary proceedings and on such reference the Kerala Civil Services (Disciplinary Proceedings Tribunal) Rules, 1960 shall apply to the cases so referred.

40. *Power of Government to deal with individual cases.*—Notwithstanding anything contained in these rules, the Government shall have power to deal with the case of any person serving in a Panchayat or any candidate selected for appointment to a post under a Panchayat or to a common cadre for more than one Panchayat, in such manner, as may appear to them to be just and equitable:

Provided that where any such rule is applicable to the case of any person, the case shall not be dealt within any manner less favourable to him than that provided by that rule.

41. *Repeal.*—The Kerala Panchayat (Establishment) Rules, 1967 are hereby repealed:

Provided that anything done or any action taken under the provisions of the repealed rules shall be deemed to have been done or taken under the corresponding provisions of these rules.

ANNEXURE I

[Referred to in sub rule (2) of rule 12]

CATEGORY OF POSTS, IN THE ESTABLISHMENT, THEIR QUALIFICATION AND METHOD OF APPOINTMENT

Group I

Category	1	Head Clerk
Category	2	Panchayat Assistant/Bill Collector
Category	3	Junior Bill Collector
Category	4	Full time Librarian
Category	5	Peon

Group II

Category	1	Nursery School Teacher
Category	2	Ayah

Group III

Category	1	Junior Engineer
Category	2	1st Grade Overseer
Category	3	2nd Grade Overseer
Category	4	Work Superintendent

Group IV

Category	1	Sanitary Inspector
Category	2	Midwife

Group V

Category	1	Tractor Driver
Category	2	Driver

The following shall be the qualifications and the method of recruitment to the categories of posts:

Category of Posts	*Qualifications*	*Methods of recruitment*
(1)	(2)	(3)
	Group I	
1. Head Clerk	1. S.S.L.C. or equivalent 2. 10 years service as regular employee of the Panchayat with Account Test (Lower) 3. Panchayat Executive Officers Training or Kerala Panchayat Executive Officers Test.	By promotion from among the Panchayat Assistants/Bills Collectors.
2. Panchayat Assistant/Bill Collector	S.S.L.C. or equivalent	By promotion from qualified Junior Bill Collector, full time Librarian or by appointment from among qualified Yogic Instructors or in the absence of suitable candidates by direct recruitment.
3. Junior Bill Collector	1. Standard VII (Pass) or equivalent for those in service 2. S.S.L.C. or equivalent for direct recruitment.	By transfer from last grade employees or from full time contingent employees or in the absence of suitable candidates by direct recruitment.
4. Full time Librarian	1. S.S.L.C. or equivalent 2. A pass in certificate course conducted by the Kerala Grandhasala Sanghom	From Junior Bill Collectors or by transfer from last grade and full time contingent employees or in the absence of suitable candidates, by direct recruitment.
5. Peon	1. Standard IV 2. Ability to ride a bicycle	By promotion from Contingent employees with a minimum of 5 years service or by direct recruitment in the absence of qualified hands for promotion.

(1)	(2)	(3)
	Group II	
1. Nursery School Teacher	1. S.S.L.C. or equivalent 2. Nursery School Training	By promotion from qualified part time Nursery School Teachers with a minimum of 5 years service or by direct recruitment in the absence of qualified hands for promotion.
2. Ayah	Pass in Form III (Standard VII) or equivalent	By promotion from contingent employees with a minimum of 5 years service or by direct recruitment in the absence of qualified hands for promotion.
	Group III	
1. Junior Engineer	The qualifications prescribed for similar post in the Public Works Department	By promotion from the 1st Grade Overseers or by direct recruitment in the absence of qualified hands for promotion.
2. 1st Grade Overseer	do.	By promotion from 2nd grade Overseers.
3. 2nd Grade Overseer	The qualifications prescribed for similar post in the Public Works Department	By promotion from Work Superintendents or by direct recruitment in the absence of qualified hands for promotion.
4. Work Superintendent	do.	By direct recruitment.
	Group IV	
1. Sanitary Inspector	1. S.S.L.C. or equivalent 2. Sanitary Inspectors test or Health Inspectors Certificate.	By direct recruitment.

(1)	(2)	(3)
2. Midwife	(a) Holder of a certificate of any of the following Institutions: (i) Government School of Nursing, Trivandrum. (ii) L.M.S. Mission Hospital Training School, Neyyoor. (iii) Salvation Army Catharene Booth Hospital Training School, Nagercoil. (iv) L.M.S. Hospital, Kundara. (v) Thiruvalla Medical Mission Nursery School for three years from 10-10-1953 till 10-10-1956 or (b) Holder of trained Midwives and Nurses Gertificates of any of the State Governments in the Indian Union. (c) S.S.L.G. Gandidates with two years Midwifery training in any Government Institutions.	By direct recruitment.
	Group V	
1. Tractor Driver	1. Literacy in Malayalam 2. Must have sound practical knowledge about the maintenance and upkeep of Tractors and Bull dozers. 3. Must possess a current Tractor Driving Licence.	Direct recruitment.
2. Driver	1. Literacy in Malayalam 2. Must possess a current Motor Driving Licence. 3. Must have sound practical knowledge about the maintenance and upkeep of the vehicle.	By direct recruitment.

Note: The term 'direct recruitment' shall be construed as the appointments made from the lists of candidates advised by the Public Service Gommission.

ANNEXURE II

[*Referred to in sub-rule* (2) *of rule* 15]

FORM OF THE SECURITY BOND TO BE EXECUTED BY THE PANCHAYAT EMPLOYEES

Agreement entered into the..........................day of one thousand nine hundred and....................................between ....(hereinafter referred to as "the Bounden" of the first part and the Executive Authority acting for and on behalf of the...Panchayat of the second part;

WHEREAS the bounden Shri/Smt...................................was on the..day of one thousand nine hundred and..............................appointed to and now holds and exercise the office of the...of the.. Panchayat;

WHEREAS by virtue of such office, the bounden has amongst other duties those mentioned and described in the schedule annexed hereto;

AND WHEREAS for security for the proper and faithful discharge of the duties of the bounden as also to insure against any loss or damage that may accrue to the Panchayat where he may act as...due to the omission, neglect, carelessness, misconduct or dishonesty of the bounden, it is required of the bounden, by the Kerala Panchayat (Establishment) Rules, 1976 to provide security which the bounden hath agreed to; it is hereby mutually agreed to by the parties hereto that the said bounden shall exercise and perform the duties of his office, more particularly mentioned and described in the schedule annexed hereto subject to the following terms, covenants and conditions:—

1. That the bounden shall honestly, diligently and faithfully discharge the duties of his office,more particularly mentioned and described in the schedule annexed hereto, as well as of any other he may hereafter be ordered to look after from time to time by the Panchayats and that the bounden shall not at any time quit the service of the Panchayat or his employment for the time being, without having previously obtained sanction in writing of the Executive Authority, or without having obtained leave of absence from the said officer or by any officer or officers competent to sanction such leave.

2. That the bounden shall use his best endeavour so as to avoid any loss or damage to the Panchayat by any act, omission, neglect, carelessness, misconduct or dishonesty of the bounden.

3. That for the proper and faithful discharge of the duties referred to in clause hereof, the bounden doth hereby tender as security an amount of.... ....deposited in the District/Sub Treasury at..in the Savings Bank Account No....................................dated ....and pledged in the name of the Executive Authority, the party hereto of the Second Part.

4. That the bounden doth hereby covenant and agree with the party hereto of the second part that, in the event of any loss or damage being caused to the Panchayat by any act, omission, neglect, carelessness, misconduct or dishonesty on the part of the bounden the bounden shall make good to the Panchayat such loss or damage in full, immediately on receipt of the notice in writing from the Executive Authority as to the amount of such loss or damage and that, on his failure to pay up the amount it shall be lawful and competent to the Executive Authority, to recover the same from the security amount referred to in clause 3 supra or in any other lawful manner.

5. That the bounden doth further, covenant and agree with the party hereto of the second part that, even in the event of vacation of office by the bounden,he shall not be entitled to demand the return of the amount deposited in the District Treasury/Sub-Treasury and hereby tendered as security, for a period of six calendar months from the date of vacation of office and that even then, only if thereby no liability for which, the bounden has to account to the Panchayat and in case, then, if it be found that the bounden has to make good to the Panchayat any sum or sums it shall be lawful and competent to the Executive Authority to recover the same as in the manner provided in clause 4 hereof.

6. That the bounden doth by these presents also covenant and agree with the party hereto of the second part that even after expiration of the said period of six months referred to in clause 5 hereof, should it be found that the Panchayat had sustained loss or damage by any act,omission, neglect, carelessness, dishonesty or misconduct of the bounden, the bounden shall hold himself responsible for and make good such amount to the Panchayat and that in the event a failure to refund such amount it shall be lawful and competent for the Executive Authority to recover the same from the bounden and his assets in the manner specified in clause 4 hereof.

. In this agreement where the context so admits the bounden shall besides the said Shri.. mean and include his heirs, executors, administrators, representatives and assignees and likewise the party hereto of the second part shall besides the said the Executive Authority of the Panchayat................................ ....mean and include his successor in office as also any person or persons that may be appointed or nominated from time to time to look after his duties.

In witness whereof the parties hereto have hereunto affixed their hands and seals, the day and year first above written.

THE SCHEDULE HEREIN BEFORE REFERRED TO

.... as the Treasurer or Cash Keeper is responsible for:—

1. The cash, stamps and other valuable as well as those in his immediate charge.

2. All amounts due to the Panchayats which he is bound to collect.

3. The safe custody and proper accounting of all documents and property including furniture and registers of the Panchayat.

4. The safe custody and proper accounting of all property entrusted to him or coming to his custody by virtue of his office.

5. Keeping of full and correct accounts in prescribed forms for all cash, stamps and other valuables.

6. Making payments in cash in conformity with the rules either on bills or idents received and for obtaining complete acquittance or discharge.

7. Seeing that subordinates placed under him are not entrusted with more property than is permissible.

8. Seeing that he is responsible for all losses occurred to the Panchayats due to his act, omission, negligence, carelessness, etc.

9. Submitting timely returns required.

Signed, sealed and delivered by the said...

Signature

In the presence of 1.

2.

Signed, sealed and delivered by the said Executive Authority,.................................... Panchayat.

In the presence of 1.

2.

By order of the Governor,

N. Gopalakrishnan Nair,
Special Secretary.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

According to G. O. MS. 150/73/LA&SWD. dated 27-3-1973 sanction has been accorded by Government for the constitution of a Common Service for the Panchayat Employees under Rule 35 of the Kerala Panchayats (Establishment) Rules, 1967. There shall be a Kerala Panchayats Common Service for each District and all the employees in the regular establishment of the Panchayat shall be included in the Common Service. With a view to implementing Common Service, the existing Establishment Rules have to be amended and new Rules issued. This notification is intended to achieve the above purpose.

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Government of Kerala
1976

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GOVERNMENT OF KERALA

Public Works (Transport A) Department

NOTIFICATION

No. 26575/TA1/75/PW. *Dated, Trivandrum, 20th May 1976.*

S. R. O. No. 551/76.—In exercise of the powers conferred by section 17 of the Road Transport Corporations Act, 1950 (Central Act 64 of 1950), read with rules 3 and 6 of the Kerala State Road Transport Corporation (Advisory Council) Rules, 1965 and in supersession of the notification No. 23919/TA1/74/PW. dated the 1st March, 1975, published in the Kerala Gazette Extraordinary No. 118 dated the 5th March, 1975, as amended from time to time, the Government of Kerala, after ascertaining the views of the Kerala State Road Transport Corporation, hereby reconstitute the Advisory Council for the said Corporation with the following members, namely:—

1. Shri P. K. Abdulla,
   Chairman & General Manager,
   Kerala State Road Transport Corporation,
   Trivandrum. ... Chairman

2. Shri P. R. Nambiar,
   Opp. Medical College,
   Calicut-1. ... Member

3.	Shri B. P. Aboobaker, Municipal Councillor, Tellicherry.	... Member
4.	Shri John Manjooran, M. L. A., P. O. Mannarghat, Palghat District.	... "
5.	Shri S. Varadarajan Nair, M. L. A., K. S. T. Worker's Union, Trivandrum.	... "
6.	Shri K. Danapalan, Karunalayam, Adichanalloor, Chathannoor.	... "
7.	Shri P. Devootti, Kannapuram Panchayat Member, Cherukunnu, P. O., Cannanore District.	... "
8.	Shri A. C. Jose, President, Kerala State Transport Staff Union.	... "
9.	Shri P. K. Mathew, Melukuttu, Nanuukkad, Pathanamthitta.	... "
10.	Shri V. M. Sudheeran, P. O. Kandasankadavu, Trichur.	... "
11.	Shri C. K. Sali, Konni, Pathanamthitta.	... "
12.	Shri K. P. Viswa Valsalan, Kezhoor Veedu, Adhinad North, Klappana P. O., Karunagappally.	... "
13.	Shri P. Viswambharan, Ex. M. P., Trivandrum.	... "
14.	Shri Thiruvanchiyoor Radhakrishnan, President, K. S. U., Kottayam.	... "

15.	Shri C. P. Moosankutty, Secretary, C. P. M. Wyanad District Committee, Manantody P. O.	...	Member
16.	Shri V. V. Raghavan, Chelat Lane, Trichur-4.	...	"
17.	Shri Adeekalathu Sukumaran Nair, Advocate, Adeekalathu House, Nedumcad, Karamana, Trivandrum-2.	...	"
18.	Shri C. T. Avarankutty, Secretary, M. S. F., Kerala State, P. O. Musaliyar Angadi, Malappuram District.	...	"
19.	Shri P. C. Varghese, Panackamannil, Chellakadu P. O.	...	"
20.	Shri K. V. Narayanan, Alamipally, Hosdurg, P. O., Kanhangad, Cannanore District.	...	"
21.	Shri K. N. Abdul Khader, C. P. I. District Council, Down Hill, Malappuram.	...	"
22.	Shri Kottoor Rajan, Kottarakkara.	...	"
23.	Shri George Philip, General Secretary, Progressive Student's Union, R. S. P. District Committee Office, District Court Ward, Alleppey.	...	"
24.	Shri M. M. Hassan, XII/1011, Panayapilly, Cochin-2.	...	"
25.	Shri Mohan Das, Secretary, K. S. T. Drivers' Union, Trivandrum.	...	"

26. Shri Parassala Sivanandan,
Vice President,
Kerala State Transport Employees'
Union, Trivandrum. ... Member

27. Shri Sankara Das,
Secretary,
Mechanical Worker's Union,
Trivandrum. ... "

28. Shri Mullasseril Jalaluddin,
Keerikadu P. O.,
Kayamkulam. ... "

29. Shri M. C. Abraham,
Advocate,
Kottayam. ... "

30 Shri G. Gopinathan Nair,
Poornima, Athani Lane,
Vanchiyoor,
Trivandrum-24. ... "

31. Shri Babu Varghese,
Mulamoottil, Nedumpuram,
Thiruvella. ... "

32. C. H. Haridas,
D. C. C. Office,
Calicut. ... "

33. Shri Nedumangad Krishnan Nair,
Rishi Prasadam,
Vidyadhiraja Nagar,
Nedumangad. ... "

34. Shri Manakkara Radhakrishnan,
General Secretary,
Kerala Youthe Front,
Kottarakkara. ... "

35. Shri K. C. Rajan,
Nedumpurath East, Thazhava,
Quilon District. ... "

37. Miss. Mary Kuruvilla,
Mendaden House,
Angamaly. ... "

37.	Shri P. N. Gangadharan Nair, Headmaster, Mannam Memorial High School, Vilakudy. ...	Member
38.	Shri P. J. Abraham, Thookkanal, Nirattupuram, Edathua. ...	"
39.	Shri K. C. Joseph, Youth Congress, Cochin-18. ...	"
40.	Shri John Jacob Vallakkalil, Parumala P. O. ...	"
41.	Shri Eapen Jacob, Ayalooparambil, Ponkunnam, P. O. ...	"
42.	Shri P. J. Joy, Puthusseri, Mookkannur, Angamali. ...	"
43.	The President, Kerala News Paper Proprietors' Association ...	"
44.	The President, Kerala Union of Journalists. ...	"
45.	Shri M. V. Chackochan, Gwalior Rayons, E. H. School, Mavoor, Calicut.	

The Advisory Council will advise the Kerala State Transport Corporation on the following matters, namely:—

(i) timings of services;

(ii) introduction of additional services;

(iii) provision for amenities to passengers;

(iv) disposal of complaints from public;

(v) co-ordination between Railways and Roads Services; and

(vi) suggestion for increasing efficiency and revenue of the services.

By order of the Governor,

N. R. AUGUSTINE,
Joint Secretary.

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